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**Paper:** *Nonviolence and (de)legitimacy: BDS and the formal Palestinian political process.*

**Abstract:**

The failure of the Oslo peace process, and subsequent further negotiation attempts, has seen a revival of Palestinian civil society and grassroots nonviolent resistance. The Boycott, Divestment and Sanctions (BDS) movement has become a central strategy and organisation to the Palestinian national liberation movement. Built entirely upon nonviolent practices, the movement relies in large part upon international networks and involvement. The BDS movement purposely circumvents the formal political system. It claims to seek no formal leadership or political role, whilst it does seek to influence the national liberation movement. In its success, there are claims that BDS has sidelined the traditional statist approach and recognised official actors, forcing the question: does BDS delegitimise the official Palestinian political leadership and peace process? Legitimacy is not a zero-sum game, but the interactions between the different actors involved within a national liberation movement requires further examination. It has been asserted that the impetus of the international legitimisation of the Palestine Liberation Organisation came from the authority it held within the Palestinian population. With support for the non-statist BDS movement increasing, how could this affect the legitimacy of formal Palestinian actors and processes? With regards to nonviolent movements, legitimacy is traditionally viewed in relation to the opponent (in this case Israel) and nonviolence as a method of regime change. This paper seeks to

explore the issue of intra-liberation movement leadership legitimacy, in which the effects of legitimacy are multidirectional, and may not align with conventional approaches to nonviolent movements and legitimacy. Can it be that a nonviolent resistance movement is delegitimising the national leadership that co-exists within the same national liberation movement?

## ***Introduction***

The failure of the Oslo peace process, and subsequent further negotiation attempts, has seen a revival of Palestinian civil society and grassroots nonviolent resistance. Jamjoum (2011, p. 138) writes that “with the erosion of the Palestinian national movement after the Oslo agreements and the ambivalence of the new Palestinian Authority toward the liberation struggle, Palestinian civil society stepped in to continue the march to freedom.” The Boycott, Divestment and Sanctions (BDS) movement has become a central strategy and organisation to the Palestinian national liberation movement. Built entirely upon nonviolent practices, the movement relies in large part upon international networks and involvement. The BDS movement purposely circumvents the formal political system. It claims to seek no formal leadership or political role, whilst seeking to influence the national liberation movement. In its success there are claims that BDS has sidelined the traditional statist approach and recognised official actors, forcing the question: does BDS delegitimise the official Palestinian political leadership and peace process? Legitimacy is not a zero-sum game, but the interactions between the different actors involved within a national liberation movement require further examination.

It has been asserted that the impetus of the international legitimisation of the Palestine Liberation Organisation came from the authority it held within the Palestinian population. With support for the non-statist BDS movement increasing, how could this affect the legitimacy of formal Palestinian actors and processes? With regards to nonviolent movements, legitimacy is traditionally viewed in relation to the opponent (in this case Israel) and nonviolence as a method of regime change. This paper seeks to explore the issue of intra-liberation movement leadership legitimacy, in which the effects of legitimacy are

multidirectional, and may not align with conventional approaches to nonviolent movements and legitimacy.

Nonviolent resistance is largely viewed in positive terms, particularly with regards to national liberation movements and as the alternative to violent resistance. One need only compare the discourse surrounding the First and Second Intifadas to see this. Nonviolent resistance is examined in terms of its effectiveness in weakening or delegitimising an opponent, or in its advancement and legitimisation of a liberation movement. But what if a nonviolent movement contributes both legitimacy and delegitimacy? This paper is not a normative judgement on forms of resistance and their effects, but rather aims to expand the discussion around the internal impact of nonviolent resistance within national liberation movements. The case of Palestine is used to examine the tensions between a nonviolent resistance that circumvents formal politics and a state-based peace process approach. One is purposively non-political and the other solely political; each claims to operate within the same national movement. Can it be that a nonviolent resistance movement is delegitimising the official national leadership that co-exists within the same national liberation movement?

In its rapid growth and constant development, the BDS movement remains an under-analysed element in the highly researched field of the Palestinian national liberation movement. What work there is on the BDS movement is largely either descriptive campaign-based pieces or opinion/activist works. The comparisons to the South African anti-apartheid movement dominate the landscape. Though there is strong criticism from the Israeli state and Zionists, the BDS movement as a nonviolent movement has come to be viewed as a positive development in a stilted national liberation movement that has been punctuated with varying

levels of violence. While BDS formally operates around implementing and pressuring boycotts, divestments and sanctions against Israel, the impact of the movement rests in changing international opinion and the discourse towards the Israeli occupation. With the Israeli occupation as the central target and modus operandi of BDS, the question of how BDS is affecting the formal Palestinian political leadership and peace process has been overlooked. The BDS movement purposely circumvents the formal political system and this has allowed BDS to organise and operate without the restrictions that both the Palestinian Authority (PA) and Palestine Liberation Organisation (PLO) incur. Co-founder Omar Barghouti states that “BDS is a grassroots and civil society movement that is entirely independent of the official Palestinian structures and any government” (Younis, 2015). But herein lies the issue. BDS does not claim to be political and nor does it seek political power or status in any future Palestinian state – it holds no position on a state-based solution. It positions itself as purely human rights-based. However, with the BDS reigniting the Palestinian national liberation movement with a method that purposively disengages from the formal political system, what effect does this have on the perceived legitimacy of the system and peace process? The BDS movement needs to be examined not only with regards to Israeli state legitimacy, but also that of the Palestinian formal leadership. This paper deals with the Palestinian elements of the BDS movement.

This speaks to a wider issue of the relationship between contentious politics and formal political systems and peace processes. Contentious politics can encompass both armed and unarmed resistance. By definition, contentious politics acts outside of the realm of conventional political channels and institutions: “they violate or bypass the routine conflict resolution procedures of a political system” (Dudouet, 2015, p. 3). The contentious politics of national liberation movements is by no means a new field. The question of legitimacy and

contentious political actors has been similarly examined. However, the latter has consistently been premised with the assumption that such contentious political actors in a national liberation movement seek to assume or directly affect power. The effects of armed contentious actors involved in resistance movements who do not necessarily directly seek power can be seen in analysis of ‘spoilers’ and the like. But what of nonviolent contentious actors in a national liberation movement? There is a gap in the examination of such leadership groups who do not (or at least claim not to) seek official political of power. This becomes even more critical to examine in the Palestinian case. Qumsiyeh (2015, p. 78) states that given the length and nature of Palestinian oppression, relatively few Palestinians engage in violent resistance; nonviolent resistance has been a much more common feature of the self-determination movement. Baaz et al (2016) have recently highlighted the need for development of the field of resistance studies and the relationships to related concepts. The paper discusses the central concepts of nonviolence and legitimacy in the national liberation movement context, before applying them to the Palestinian case with regards to the BDS movement.

### ***Theoretical Departures***

#### *Nonviolent Resistance*

While this paper treats BDS as a nonviolent movement, it would be remiss not to examine the implications of this categorisation. Chenoworth and Stephan (2011, p. 12) summarise a useful foundational definition:

Sharp defines nonviolent resistance as “a technique of socio-political action for applying power in a conflict without the use of violence” (1997, 567). The term *resistance* implies that the campaigns of interest are noninstitutional and generally

confrontational in nature. In other words, these groups are using tactics that are outside the conventional political process (voting, interest-group organizing, or lobbying). Although institutional methods of political action often accompany nonviolent struggles, writes sociologist Kurt Schock, nonviolent action occurs outside the bounds of institutional political channels.

In keeping with other national liberation movements, nonviolence is not a homogenously accepted concept in Palestinian society; ‘nonviolent’ can be a loaded concept when used as a central labelling tool. Questions arise as to what qualifies as violence and whether the presence of violence is then seen to undermine nonviolent resistance. For example, stone throwing can be a common occurrence at the weekly ‘nonviolent’ demonstrations in the West Bank. Does the stone throwing against armed combat soldiers register as violent resistance and do such acts require the weekly demonstrations to be denied the label of nonviolent?

Qumsiyeh (2015, p. 78) illuminates the issue of the label ‘nonviolent’ in Palestinian resistance by explaining that common categories in Palestine are: *Muqawama Sha’ibiya* (civil or popular resistance) emanating from *Sha’b* – resistance that the wider population participates in; this is contrasted with *Muqawama Musallaha* (armed resistance) which is specialised. Despite his examination of the nuances of Palestinian resistance, Qumsiyeh (2015, p. 93) still returns to the problem of how stone-throwing, or indeed boycotts, should be categorised.

It would be futile to portray them as falling into two camps that support either violent or nonviolent resistance, because polls indicate that the majority of generally support a combination of both – with some variations according to circumstances (Kohanteb, 2012) ... Claiming a schism between both clusters of tactics only exists in academic discussions.

An additional issue that arises is that those involved in nonviolent resistance do not necessarily denounce violent resistance, are not adherents to pacifism, and worry that such labels can be used to delegitimise violent resistance. Jamal Juma', BDS co-founder, National Committee member and coordinator of Palestinian Grassroots Anti-Apartheid Wall Campaign, states:

All us of refuse to, strongly, to call ourselves nonviolent. Simply because we know there are political things behind that ... When you call yourself a nonviolent movement, it means that you are justifying yourself in front of somebody and I want to distinguish myself from the violent movement on my side. I will not delegitimise any Palestinian's existence.

(Juma', 2016)

Juma' presents a pragmatic view of nonviolence. However, BDS co-founder Omar Barghouti advocates the recognition of BDS as a nonviolent movement due both to the fact that all of BDS's resistance tactics are strictly nonviolent and as a means of frame resonance to garner international support (Barnes, 2014). The BDS movement aligns with Sharp's (1999, p. 567) definition of nonviolent resistance with BDS relying on 'acts of omission'.

Zaru, writing on nonviolence and Palestine, believes nonviolence threatens status quo power holders as nonviolence undermines their façades of moral authority. "Nonviolence reconceptualizes power and it gives the ordinary person power to effect change. Nonviolence exposes and then challenges the structures of domination and not just the overt symptoms" (2008, p. 73). It is clear how the nonviolence of the BDS movement challenges the Israeli regime and occupation. But what if the PA and PLO were the subjects instead? Does BDS

undermine their pretence to moral authority? It is possible to reorient the theoretical approach on nonviolent movements so that the internal dynamics of the wider national liberation movement are scrutinised using the same language. The interactions and related consequences between nonviolent resisters and oppressors receive much focus. Helvey (2004, p. 150) writes of ‘political jiu-jitsu’ whereby opponents’ violent and negative reactions to nonviolent resistance is used against them to strengthen the support and power positioning of the resistance. Israel is examined under this logic, but what of the PA who has on multiple occasions suppressed and arrested nonviolence resistance/resisters? The nonviolent resistance and PA are seemingly on the same side of the Palestinian national liberation movement, causing their interactions to be overlooked in favour of the opposing state of Israel.

In her critical work on Palestine and nonviolence, Norman (2011, pp. 2-3) directly questions “how do power dynamics among and between different groups affect understandings and applications of nonviolence?” Through her examination, Norman states that this is not to place normative value on types of resistance, but rather to delve into the broad and complex concept of nonviolence and its resulting controversies that have been overlooked in the field. It is from this line of questioning that the paper departs in the exploratory discussion on analysing alternative relations of nonviolent movements and their liberation counterparts.

### Legitimacy

The next theoretical consideration is that of the deeply contested concept of legitimacy. There are a plethora of approaches to the definition and use of legitimacy. This section’s brief examination is primarily delimited to the overlap between legitimacy and nonviolent resistance, and expanding out to national liberation movement legitimacy where necessary.

Additionally, it is impossible to talk of legitimacy in a political context without engaging with the concepts of power and authority.

Although the BDS movement operates as a human rights movement, this paper examines it within a national liberation movement which is inherently political and therefore it is useful to launch from Sharp's view of political power. "Political power is the totality of means, influences, and pressures – including authority, rewards, and sanctions – available for use to achieve the objectives of the power-holder, especially the institutions of government, the State, and groups opposing either of them" (Sharp, 1973, p. 27). While he differentiates between political and social power, political power is still inherently linked to the social in that it is a "kind of social power which is for political objectives" (1973, p. 7). In a pluralistic model of power, there are multiple loci of power, power is fluid and fragile, and therefore tied to consent and cooperation. Sharp thus identifies authority as one of six sources of power.

Building from this typology, Helvey links authority to legitimacy, with elections as the common claim to authority to govern. "Internally, the loss of apparent legitimacy may become a major factor for the legitimization of political opposition" (2004, p. 4). This conventional approach to legitimacy is too narrow in scope as the BDS does not stand as political opposition to the formal leadership, nonetheless the effects upon legitimacy require similar examination. Legitimacy is defined in terms of internal and external, with internal referring to area and populace of claimed governance. Internal legitimacy is the area of focus as this case refers to Palestine and Palestinians, as opposed to the question of recognition and support by international bodies. The latter does have a large impact upon the Palestinian political situation, but the scope of this paper is narrowed to internal Palestinian legitimacy,

focussing on the Palestinian leadership side of the BDS movement and not on its international activism per se. Kraus provides a starting point for discussing the concept of legitimacy: “political legitimacy is a kind of public illusion, a shared and often fragile understanding that a regime is somehow appropriate, fitting, and in some vague sense a part of the natural order of things” (as quoted in Johnstad, 2012). In this sense, legitimacy is built upon perception.

Building upon Sharp’s view of legitimacy and political power, Johnstad (2012) examines legitimacy with regards to the outcomes of protest upon against a regime. However, in this case the nonviolent grassroots resistance does not exist with the goal of challenging their own regime (of course it does challenge the Israeli regime), but yet there is a large impact upon legitimacy. Johnstad’s application of legitimacy is unidirectional (the effect of the regime’s legitimacy on nonviolent resistance) and thus framed as nonviolent resistance against the legitimacy of the opponent. The literature largely regards nonviolent resistance as seeking a government alternative and therefore often frames legitimacy in terms of a state’s instruments of power:

Nonviolent resistance campaigns are more likely than violent campaigns to attract mass participation, enhancing the legitimacy of the challenge group and making it more likely that the opponent’s use of violent repression against members of the resistance will backfire. The systematic withdrawal of consent and cooperation by large numbers of people undermines the opponent’s social, political, economic, and even military sources of power.

(Stephan, 2009, p. 4)

However, in this instance the effects of legitimacy are multidirectional and the focus is not on the actual opponent, but on other leadership organisations with the same alleged ‘opponent’.

Möller and Schierenbeck (2014, p. 9) emphasise the need for examining relational leadership during nascent statehood, stating “we point to the necessity that the political leadership reconsiders the sources of legitimacy for political authority.” While they use relational leadership to refer to leader-follower interactions, this concept can be broadened out to examine the relational dynamics between different leaderships and their legitimacies.

However, it is not just legitimacy that is the focus, rather it is its opposite process – delegitimation. Delegitimation is not synonymous with illegitimacy. The former is a process of varying degrees of loss of once-held legitimacy; the latter is the state of absolute lack of legitimacy. Writing on social movements, Kelman (2001, p. 58) explicates that:

Processes of legitimization or delegitimization are societal phenomena, which are caused and propelled by forces operating throughout the society and spread through a variety of channels of communication and influence. However, they are generally set into motion – or at least accelerated – by the actions or pronouncements of authorities of one or another kind, such as political, judicial, religious, institutional, medical, or scientific authorities.

Furthermore, the process is relational in that “legitimization and delegitimization processes generally operate in tandem. As a policy or practice (such as South African apartheid) loses its legitimacy, a previously illegitimate leader and movement (such as Nelson Mandela and his African National Congress) gain legitimacy” (Kelman, 2001, p. 58). The paper uses the term delegitimacy as opposed to illegitimacy. Additionally, delegitimation is not used in the sociopsychological sense as a deliberate negative categorisation of one group (as also features in the Israel-Palestine dynamics – see Oren & Bar-Tel, 2007).

## *Case*

When it comes to the Palestinian national liberation movement, resistance and legitimacy are not lacking in research. The armed side of the liberation movement and the role of legitimacy has been well analysed in Sayigh's (1997) seminal work. The legitimacy of armed resistance, Fatah and the PLO, and the national liberation movement is captured through to Oslo – one of the crucial turning points in the liberation movement. Similarly, both the nonviolent and armed resistance of the First and Second Intifadas has been examined in the wider context of the Palestinian national liberation movement, leadership relations and legitimacy. However, this discussion needs to be progressed into the post-Oslo phase as the formal political process is increasingly viewed with scepticism and the dynamic national liberation movement continually develops. Qumsiyeh (2015, p. 95) states that:

Although much has been written in the last two decades about the forms and structures of the Palestinian struggle, and there is a growing understanding of its nonviolent dimension, there are still many questions to answer from an academic standpoint on the nature and dynamics of popular resistance ... Further work is required, in particular, to examine in depth the observations made in this chapter in terms of the transitions, transformations and fluidity of the Palestinian struggle towards increasingly sophisticated and nonviolent forms of resistance.

Hallward and Norman (2011, p. 170) point to the need to question “the power dynamics within Palestinian society over who determines what constitutes ‘legitimate’ resistance as well as what the goals of the resistance might be.”

The effects of Oslo on both civil society and popular resistance are clear. Leone (2011, pp. 13-14) presents a succinct overview of flow-on effects. After Oslo the international

community allocated \$2.4 billion in development aid, the idea being to bolster Palestinian civil society as an intermediary between the public and the new PNA (now called PA); the actual effect was the “NGOization” of civil society. As NGOs conformed to donor institutions, both the grassroots and nationalistic approach were shut out; the discourse of alternative and appropriate resistance was thus confined and narrowed.

Before the Oslo period, resistance was once so broadly defined as to include a range of activities from nonviolence to martyrdom. Yet, in this post-Oslo atmosphere, where large components of civil society are entangled with foreign donors and beholden to their development priorities, the space between the personal and the national continues to widen. It is increasingly clear that U.S. efforts to ‘empower’ Palestinian civil society by preparing it to join a new, modern world have simultaneously limited the space for grassroots popular resistance.

(Leone, 2011, p. 28)

It is this process that provides the foundations as to how the BDS movement may affect the legitimacy of the formal political system.

The legitimacy of the PLO has already been examined with regards to the shift from ‘terrorist organisation’ to official negotiation partner, largely with regards to international legitimacy.

However, Kelman (2001, p. 63) makes an interesting point in saying that:

What made these organizations – especially the ANC and the PLO – so central to any negotiating process is that they had widespread support in their respective communities; they enjoyed a high level of legitimacy in the eyes of their populations. Thus, once the governments were ready to make peace, they came to

realize that these organizations were the only credible counterparts for negotiations and the only ones who would have the capacity to ‘deliver’, that is, to mobilize the support of their populations for any agreement emerging from the negotiations. Now the legitimization of these organizations became as important to the pursuit of the governments’ interests as their delegitimization had been in earlier years.

It is in his examination of the granting of legitimacy by the international community that Kelman sets the foundation for probing legitimacy within the Palestinian national liberation movement.

In November 1997 34% of Palestinians opposed the Oslo agreement (Palestinian Center for Policy and Survey Research, 1997). That is compared to polling of December 2016 in which 62% support abandoning the Oslo agreements (Palestinian Center for Policy and Survey Research, 2016). That same survey showed that Palestinians view the most effective means for the establishment of a Palestinian state as: armed action – 37%; negotiations – 33%; popular nonviolent resistance – 24%. However, with a cessation of negotiations then support for popular nonviolent resistance is 62% and armed resistance is 53% (polled in separate questions). The impetus of the legitimisation of the PLO, and its negotiation of the peace process, came from the authority it held within the Palestinian population. With this support (and faith in the peace process) diminished and support for the non-statist BDS movement increasing, how does this affect the legitimacy of formal Palestinian actors and processes? Legitimacy is not a zero-sum game and arguably neither side would profess this view with regards to internal Palestinian politics. However, the interactions between the different actors involved within the national liberation movement requires further examination beyond what is

officially presented in statements and policies. Although the PLO is cited as the legitimate representative of the Palestinian people, a perceived blurring of institutional boundaries between it and the PA has occurred. Despite officially having different functions, both are controlled by a Fatah majority, led by Mahmoud Abbas, and crucial to the formal political processes. Therefore, the PA and PLO are examined equally as part of the formal political system.

Previously Arafat was able to proclaim legitimacy of the PLO as the sole and unique representative of the ‘Palestinian masses’ due to “‘sacrifice’ and ‘dedicated leadership’ and had been ‘granted’ it by the choice of the Palestinian people as a whole. Legitimacy also rested on the PLO’s capacity to ‘represent’ all factions, unions and groups within the Palestinian people” (Finlay, 2010, p. 287). Of course one only need look at Hamas to see the ‘umbrella’ imagery of the PLO has become outdated. Alaa Tartir (2017) asserts that Oslo was marked by parallel and conflicting projects: national liberation and state-building. While the dominance of Arafat post-Oslo saw this tension momentarily suppressed, the problem has resurged and presented as matter of legitimacy that can be examined through the current nonviolent popular resistance.

Jamjoum also argues that Oslo transformed the character of the Palestinian national movement – from liberation to limited state-building. Furthermore, and critically for the question of resistance and legitimacy:

Since the Palestinian leadership itself was engaged in direct and public relations with the state of Israel, how were supporters of Palestinian rights supposed to take

a position that was ‘more Palestinian than the Palestinians’ in working toward the isolation of Israel?”

(Jamjoum, 2011, pp. 134-135)

While Jamjoum angles this issue to external supporters of Palestine, the question is one that plagues Palestinian society, particularly with regards to popular resistance. This was illustrated recently in the protests over the security coordination between the PA and Israel in the arrest and killing of activist Basil al-Araj. Peaceful demonstrations at the court case were violently repressed by the PA. Thaer Anis, activist of the Popular Struggle Coordination Committee (coalition member of BDS), stated that “in Basil’s idea, there is a new message. ‘We have two things we must struggle against: the politics in Palestine and the occupation’” (Gostoli, 2017).

### *BDS Positioning*

The BDS movement was formally launched in 2005 by 170 Palestinian unions, organisations, parties, networks and civil society organisations. It models itself as a coalition of coalitions, with the West Bank-based BDS National Committee (BNC) acting as a central leadership group. The movement is based upon three goals (Israeli obligations) which are non-negotiable: ending the occupation and dismantling the wall; equality for Arab-Palestinian citizens in Israel; and the right of return for Palestinian refugees as per UN General Assembly resolution 194 (Palestinian Civil Society, 2005). The movement purposely limits itself to its three objectives, not engaging with Palestinian politics beyond self-determination. It must be noted that part of this semi-apolitical approach includes not specifying the form self-determination should take and therefore does not necessarily imply an independent Palestinian state as per the two-state solution. Its leadership model has provided an alternative outlet that

circumvents the restrictive formal political process; but BDS does not seek the institutionalised power that any future Palestinian state requires. As Erakat (2012) writes of the BNC's approach, "[it] provides for a compass but does not provide a destination."

Returning to Chenoworth and Stephan's view of nonviolent resistance, by definition BDS operates outside of institutional and formal political realms. What is potentially problematic is that Falk goes as far as arguing that BDS not only circumvents these pressures tied to a statist approach, but has grown sufficiently to side-line formal leadership. "At this time governments have been temporarily marginalised as political actors in relation to the struggle. This is itself a momentous development" (Falk, 2014).

BDS is based upon a boycott of all Israeli companies and Israeli-produced goods; the PA is based upon economic cooperation<sup>1</sup> with Israel. While numerous questions can be asked of the feasibility of BDS within Palestinian territories, by default the BDS movement opposes the PA's governance. BDS co-founder Jamal Juma' (2016) summarises the tensions between the two: "The Authority feels that any popular movement that can grow up and strengthen is a threat to them. So they want everything to be under control." He goes on to link the issues with the current political leadership system to Oslo:

The minute that Oslo collapses, the Oslo regime, the system that has been created collapses, this will remedy everything. The unification will come back again. It

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<sup>1</sup> An acknowledgement must be made of the problematic use of the terms 'cooperation' and 'coordination' in this case. As Chomsky (1997, p. 249) writes, "The outcome of cooperation between an elephant and a fly is not hard to predict."

means that we get back to acting as a national liberation movement, not as a state or a semi-state ... The Authority, at least the regime, they don't identify themselves as a liberation movement. They are acting as a state; a state is not existent. This is the irony.

Jamal Juma' (2016)

The peace process saw the formal political leadership shift away from a resistance movement and towards a statist entity through the administrative PA.

If we revisit Kelman's approach to understanding Palestinian legitimacy and the peace process, this was based upon the formal body (then PLO) having the essential support of the population and thus a claim to representation. This created a mandate for both the negotiation and implementation of the Oslo agreements. But two decades on and the fallout of Oslo has seen diminishing levels of support. The PA now dominates internal politics and the President's office has been inconsistent with its positioning on grassroots nonviolent resistance – and the BDS movement specifically. In President Abbas' latest speech to the UN, using the voice of both the PLO and PA, he 'saluted' the nonviolent popular resistance that had taken place in Jerusalem vis-à-vis Al-Aqsa (Haaretz, 2017). However, there has never been official support of the BDS movement and indeed statements can be read as more of a denunciation (see Sherwood, 2013).

Officially the BDS movement does not have goals or rhetoric that speak to the Palestinian political bodies, but by default this form of contentious politics has challenged the formal political system. Interviews with key BDS figures evidence this direct challenge to the legitimacy of the PA:

Unelected and unrepresentative Palestinian officials have gone way too far in conceding our basic rights – without any mandate to do so. Even if they had reached an agreement with Israel it wouldn't be worth the ink it was written with, because it has no legitimacy from the majority of the Palestinian people.

Omar Barghouti (as quoted in Anon., 2011)

The Authority became the obstacle; it means the Palestinian people have to decide whether they want to keep this Authority or get rid of it. So in a way, the Authority has turned the struggle internal and this is dangerous. This is the dark side of the whole issue and this is the difficulties facing the BDS and inside the BDS.

Jamal Juma' (2016)

At the same time those in the BDS central leadership acknowledge that the PLO still has a level of legitimacy, but it is increasingly fragile:

The PLO has legitimacy still, but very weak. It's now decreasing and decreasing, they in the political powers didn't stand up quickly and strongly.

Jamal Juma' (2016)

They [the PLO] still have legitimacy, not for Palestinian people, for the people they pay their salaries. They have legitimacy through these employees only but not on the Palestinian people. Palestinians do not trust the PA because of the whole situation – the corruption, nepotism, clientalism – all these types of corrupted people in the PLO.

Mahmoud Nawajaa, BNC general coordinator (2016)

### Reading Beyond the Statements

What can begin to be seen through the above perspectives is how elements of BDS could be viewed as resistance to the formal Palestinian political system and not just the officially declared state of Israel. There is a strong desire to reinvigorate the PLO and its legitimacy, but what is not acknowledged is how the BDS movement may have an impact upon this. There is a differentiation between the PLO and PA in this case. The PLO is viewed more favourably as a tool for the national liberation movement moving forward, as indeed it is the formal negotiating body, whereas the role of the PA garners little favour amongst the grassroots resistance. Senior advisor to Abbas, Mohammed Shtayyeh, stated that the PA must be revised from “a service provider” to “a resistance authority” (Qandil, 2014). The PA is also viewed critically by the Palestinian population at large: 50% view the PA as a burden; 67% want Abbas to resign; and 59% believe it is not possible to criticise the PA without fear (Palestinian Center for Policy and Survey Research, 2017).

Abbas stated in 2013, “We don’t ask anyone to boycott Israel itself. We have relations with Israel, we have mutual recognition of Israel” (as quoted in Kane, 2013). The PA instead endorses boycott limited to products from West Bank settlements. Abbas’ position on the BDS movement caused internal divisions, with the South African Palestine Embassy releasing a statement declaring its support for BDS movement and clarifying that “The Palestine Liberation Organisation and the State of Palestine is not opposed to the Palestinian civil society-led Boycott, Divesment and Sanctions (BDS) movement against Israel” (as quoted in Kane, 2013). Despite this, BDS activists have been arrested by the PA and nonviolent protests continually shutdown (Abunimah, 2014). Amal Ahmad (2016) argues that such

cycles of confrontation are indeed necessary as they “help to break the monopoly over politics held by the Palestinian Authority and may help to hasten and legitimize the search for alternative strategies.”

The question of engagement with Israel is one of the most significant points of difference between the PA and BDS. Where the PA is contractually obligated in its relations with Israel, BDS takes a very firm position on anti-normalisation. The increasing tensions were exemplified through the recent Women Wage Peace march in Israel and Palestine. Thousands of women from both sides of the conflict walked across the territories for two weeks in a call for negotiations and peace. While Abbas supported the action, both BDS and Hamas did not as it was viewed as an act of normalisation. The march can be seen as a form of nonviolent popular resistance, yet BDS went as far as calling for its sabotage (Carroll, 2017)<sup>2</sup>. The premises of re-entering into negotiations are based on both engagement and recognition of the Israeli state. BDS claims to be apolitical whilst positioning itself in a manner laden with political implications. Furthermore it is near impossible to see the achievement of the three BDS objectives without political negotiation. Though the BDS movement does not denounce negotiations, there is a clear critical stance towards the formal peace process.

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<sup>2</sup> Juma' (2017) expressed that not only was there official BDS opposition to the march due to the principle of anti-normalisation, but due to the hypocrisy that he believes was at the heart of this nonviolent protest. He believes preaching nonviolence and peace to the Palestinian population is akin to preaching to the choir. The march did not target this message to Israel, continuing the issue of the nonviolence discourse only focussing on the Palestinian side

The effects of BDS upon Israel's legitimacy is an open talking point for both parties. The effect of BDS upon the formal Palestinian political system is not being openly addressed.

While stating support for nonviolent popular resistance, the PA makes the BDS movement an exception to this rule. Equally, BDS is highly critical towards legitimacy issues surrounding internal Palestinian politics, whilst not acknowledging their potential role in this due to their 'apolitical' self-labelling. This is not meant as a normative judgement on the approach of either channels, but rather to open up a dialogue around the impact the nonviolent BDS movement can have upon legitimacy beyond the state of Israel.

Jamal Zakout was part of the First Intifada leadership, former senior PA advisor, spokesperson, and member of the PNC. He views the lack of strategy as the reason for the tension between the formal leadership and popular resistance. Questions must be asked of both:

What is the resilience? It's only political? The resilience is connected to the resistance. What's the main parameter of the success of the government and the failure of the government? We need the popular movement or not? If we need the public movement and nonviolence or peaceful resistance, why do we not encourage the BDS? Is BDS a legitimate tool or not? It's seems maybe I'm not supporting the BDS as some lump, we should be more tactical. Because what's the main aim of the BDS? Is it to make Israel to pay the price? It couldn't happen as we are fragmented. It couldn't happen as we have double strategies – public movement and government – which are contradiction strategies.

Jamal Zakout (2017)

Without delving into the extensive, yet critical, field on the concept of power, it is necessary to draw from it in the questioning of resistance and delegitimacy. Hoy (2005, p. 82) writes that “power needs resistance, and would not be operative without it. Power depends on points of resistance to spread itself more extensively through the social network.” Like the concept of legitimacy, this can be turned so the focus is internal Palestinian politics whereby the power is the PLO/PA and not the traditional oppositional power that would be the Israeli state. It is no shock that Israel has reacted against the BDS movement, but the PA has often sought to repress elements of a nonviolent movement that holds similar end goals. Palestinian resistance has been “reframed as criminal insurgency or instability” not by Israel, but by the PA (Tartir, 2017). This is not to say that one branch or approach of the Palestinian national liberation movement should be deemed more legitimate than another, but the issue is of the underlying consequences upon the legitimacy of each. Furthermore, as the PA is a product of the Oslo peace process negotiated by the PLO, the legitimacy of a formal peace process is inherently tied to the above issue.

## **Conclusion**

There is no direct causal mechanism between how the rise of BDS affects the legitimacy of the formal political system as there are numerous internal and external factors involved. However, the fact that there are complicated relations between the two requires the question of ‘delegitimacy’ to expand to incorporate those within the same national movement. While there is not necessarily a coherent or consistent position amongst the PA (or PLO), the above examples of altercations between popular resistance and the PA demonstrates the perceived competition. While both part of the same liberation movement, support for one does not mean support for the other. There is an undeniable clash between the statist approach of the PA/PLO and the grassroots popular resistance. Contentious politics acts outside of the formal

political system for a reason. However, as the BDS movement seeks significant political ‘concessions’<sup>3</sup> from the Israeli state and yet does not seek political involvement, this puts BDS in a unique position particularly as part of a national liberation movement. Nonviolent resistance can play a key role in liberation movements. But in this case the nonviolent resistance may have the potential to have a positive impact upon the larger national movement, whilst having a detrimental impact upon the formal political leadership of the national movement by the very fact that it exists to circumvent this process.

In their exploration of resistance, Baaz et al (2016, p. 142) write:

We are ultimately interested in the kind of resistance that prevails as a response to power from ‘below’; a subaltern practice, which has the possibility to negotiate and/or undermine power. In this, however, it is important not to dichotomize resisters and dominators since that would mean to ignore the multiple systems of hierarchy and that individuals can be simultaneously powerful and powerless within different systems.

This is a very useful approach in the case of Palestine where we clearly see such multiple systems of hierarchy and power, and therefore multiple levels of resistance to above powers – without stated intent.

It is not novel for grassroots resistance to be critical of their formal political bodies within the same liberation movement. However, what makes the relationships in Palestinian politics

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<sup>3</sup> This is political negotiation terminology and is not intended to imply that Israel has legitimate ownership that would be given up.

interesting, is that the BDS movement does not claim to seek office. The BDS does affect the legitimacy of the institutional organisations, and therefore their engagement in the formal peace process, but it does not stand as a potential alternative to the political bodies in any stated capacity. The impact of BDS upon the legitimacy of the Israeli occupation is the movement's central focus; the impact of BDS upon the legitimacy upon formal Palestinian politics may become the increasingly critical question.

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